

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CASEY ROTH,

Plaintiff,

v.

TULLY'S COFFEE CORPORATION,  
a Washington corporation, and PREMERA  
BLUE CROSS, a Washington corporation,

Defendants.

No. C05-1322RSL

ORDER GRANTING  
MOTION FOR AMENDED  
CASE SCHEDULE

This matter comes before the Court on plaintiff's "Motion for Relief from Case Scheduling Order" (Dkt. #38). Plaintiff seeks a three-month extension of the November 5, 2006 discovery deadline. See Dkt. #15. Defendant Tully's Coffee Corporation ("Tully's") does not oppose this extension, but requests recovery of the attorney's fees it incurred in responding to plaintiff's motion. See Response at 2, 5. The Court held a hearing on the motion on September 29, 2006 and heard from counsel for plaintiff and defendant Tully's. At the hearing, plaintiff requested a six-month extension of all deadlines. Defendant did not oppose this extension.

Federal Rule of Civil Procedure 6(b) allows a court "in its discretion" and "for cause shown" to grant an extension of time. See Fed. R. Civ. P. 6(b); see also Fed. R. Civ. P. 16(b) ("A schedule shall not be modified except upon a showing of good cause and by leave of the district judge[.]"). Where relief from deadlines is sought by motion, the court may extend

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1 deadlines, including deadlines that existed prior to the filing of the motion. See id.; Lujan v.  
 2 Nat'l Wildlife Fed., 497 U.S. 871, 897 n.5 (1990).

3 Here, plaintiff made an application for extension of time by motion. Defendant  
 4 responded and did not oppose the extension. See Response at 2 (“Tully’s is amendable to  
 5 continuing the deadlines if necessary”); Dkt. #44 at 2-3 (“Tully’s is open to the possibility of an  
 6 extension of the discovery deadlines because Tully’s is also concerned that the discovery  
 7 deadline may need to be extended based on the discovery delays caused by the mediation.”).

8 On March 30, 2006, the parties agreed to postpone certain discovery responses before  
 9 proceeding with a mediation on July 11, 2006. See Dkt. #31; Exs. 4, 5. The mediation was  
 10 unsuccessful, however, and the November 5, 2006 discovery cutoff needs to be extended to  
 11 allow the parties to complete the discovery that was held in abeyance for the mediation. As a  
 12 result, good cause has been shown for the extension.

13 For all the forgoing reasons, the Court GRANTS the motion to amend the November 5,  
 14 2006 discovery deadline in the “Minute Order Setting Trial Date and Related Dates” (Dkt. #15)  
 15 until **May 7, 2007**. The Court DENIES defendant Tully’s request for recovery of attorney’s fees  
 16 that it incurred in responding to plaintiff’s motion. See Response at 5.

17 The Clerk of Court is directed to issue a new case schedule amending the remaining  
 18 deadlines in this case, including the trial date, in light of the new May 7, 2007 discovery  
 19 deadline. The deadline for reports from expert witnesses under Fed. R. Civ. P. 26(a)(2),  
 20 however, is extended only for reports relating to postal service procedures. See, e.g., Dkt. #36.

21 DATED this 3rd day of October, 2006.

23 

24 Robert S. Lasnik  
 25 United States District Judge  
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